

(S. B. 1874)

(No. 197-2010)

(Approved December 15, 2010)

AN ACT

To amend subsection (e) and add subsections (h) and (i) to Section 3 of Article VI of Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” (ASES, Spanish acronym), in order to amend the term “small- and medium-sized business”; allow other individuals and associations to avail themselves of the plan designed by ASES; and for other purposes.

STATEMENT OF MOTIVES

The goal, as well as one of the priorities of this Administration, is to guarantee the people of Puerto Rico access to the best and most cost-effective health services. In order to honor our commitment with the People, this Legislative Assembly deems it convenient to pass legislation so that small- and medium-sized businesses doing business in Puerto Rico, as well as individuals—even those who do not qualify for Medicaid benefits, but lack enough resources to obtain a health plan—may enjoy a plan similar to Mi Salud.

It is worth mentioning that Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” includes employees of small- and medium-sized businesses among its health insurance plan beneficiaries. However, said legislation makes reference to Section 121 of Title 13 of the Code of Federal Regulations. This Federal Regulation defines small- and medium-sized business according to the type of industry, which makes such definition variable. Many times these definitions are inconsistent with our People’s reality. Thus, in order to establish a simpler definition and allow more Puerto Ricans to benefit from a health plan, Act No. 72 is hereby amended to

include a definition of small- and medium-sized businesses and include self-employed individuals, even if they have no employees, as potential beneficiaries of Mi Salud, in accordance with both Puerto Rico's reality and the Affordable Care Act: PPACA (Patient Protection and Affordable Care Act, or Public Law 111-148) and the HCERA (Health Care and Education Reconciliation Act of 2010, or Public Law 111-152.)

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (e) is hereby amended and subsection (h) and (i) are hereby added to Section 3 of Article VI of Act No. 72 of September 7, 1993, as amended, to read as follows:

“Section 3.- Health Insurance Beneficiaries.-

All residents of Puerto Rico may be beneficiaries of the Health Plan established upon the implementation of this Act, provided that they meet the following requirements, as pertinent:

(a) ...

...

(e) Employees of small- and medium-sized businesses, (better known as PYMES), who are interested in subscribing to the plan established herein and, should they be entitled, allow their employer to transfer to the Administration or to the Insurer the corresponding sum of the employer contribution, in addition to the payment of the contribution of the employee, until the cost of the insurance premium for hospital medical benefits is covered, both for individual and family coverage; except in the case where the employer contribution covers the full cost of the insurance coverage. For purposes of this subsection, small- and medium-sized businesses are those having between one (1) and fifty (50) employees. In these cases, the Administration shall adopt regulations as necessary for the

implementation and operation of this Health Plan, so as to establish what its coverage shall include and what benefits shall be provided, the eligibility criteria, and the premium payment system.

(f) ...

(h) Individuals, personally, and regardless of their position at work; employees whose employers do not provide them with a health plan; and self-employed individuals and their dependents. In these cases, the Administration shall adopt regulations as necessary for the implementation and operation of this Health Plan so as to establish what its coverage shall include and what benefits shall be provided, the eligibility criteria and the premium payment system.

(i) Members of associations, cooperatives, professional associations, or colleges of persons authorized to practice their professions by the Government of Puerto Rico; trade associations or colleges; Federal, state, or municipal associations; and the American Association of Retired Persons (AARP), interested in benefiting from such plan and that transfer to the Administration or to the Insurer the corresponding sum of the cost of the insurance premium for hospital medical benefits, both for individual and family coverage. In these cases, the Administration shall adopt regulations as necessary for the implementation and operation of this Health Plan so as to establish what its coverage shall include and what benefits shall be provided, the eligibility criteria, and the premium payment system.”

Section 2.- The amendments to subsection (e) shall take effect six (6) months after their approval. The amendments contained in subsections (h) and (i) shall take effect one (1) year after their approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 197-2010 (S. B. 1874)** of the **4th Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend subsection (e) and add subsections (h) and (i) to Section 3 of Article VI of Act No. 72 of September 7, 1993, as amended, known as the "Puerto Rico Health Insurance Administration Act," (ASES, Spanish acronym), in order to amend the term "small- and medium-sized business"; allow other individuals and associations to avail themselves of the plan designed by ASES; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 18th day of April, 2013.

Juan Luis Martínez Martínez
Acting Director